

IN THE COUNCIL

Regular Session 1913-14

COUNCIL BILL No. 255

Introduced by MR. FLETCHER

First Reading Oct. 31, 1913
Second Reading Nov. 4, 1913
Referred to Committee on Legislation

DAVID W. VOYLES
Secretary

AN ORDINANCE

- 1 prohibiting the exhibition of obscene and immoral pictures,
- 2 and regulating the exhibition of pictures of the classes and
- 3 kinds commonly shown in mutoscopes, kinetoscopes, cine-
- 4 metographs and penny arcades, and providing penalties for
- 5 violation thereof.

(See page 5; Report on laws of other cities.)

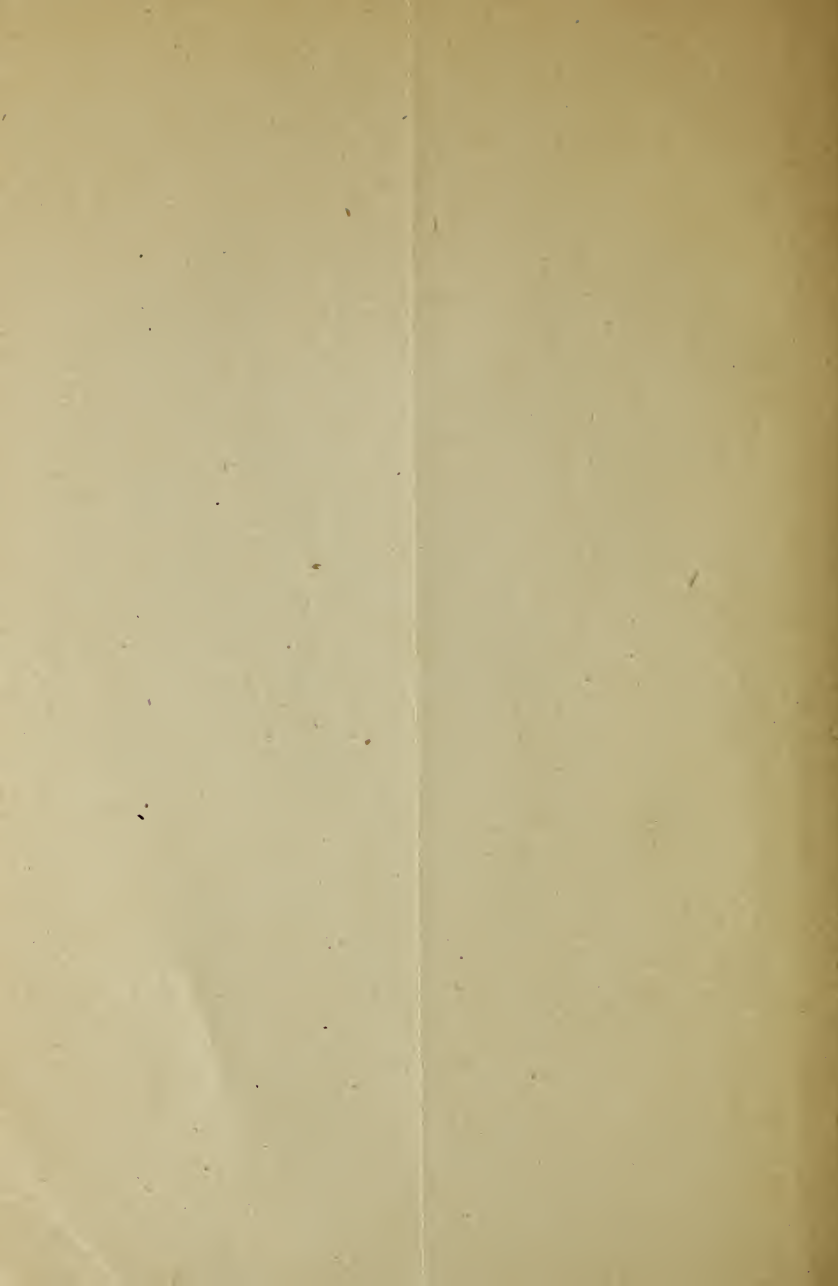
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Be it Ordained by the Municipal Assembly of the City of St.
Louis, as follows:

1 Section One. That it shall be unlawful for any person,
2 firm or corporation (all hereinafter included under the
3 term "exhibitor") to show or exhibit in a public place, or
4 in a place where the public is admitted, anywhere in the
5 City of St. Louis, any picture, or series of pictures, of the
6 classes or kinds commonly shown in mutoscopes, kineto-
7 scopes, cinemetographs, and such pictures, or series of pic-
8 tures, as are commonly shown or exhibited in so-called
9 penny arcades, and in all other automatic or moving picture
10 devices, whether an admission fee is charged or not, with-
11 out first having secured a permit therefor from the Chief
12 of Police of the City of St. Louis,

1 Section Two. Before any such permit is granted an
2 application in writing shall be made therefor, and the
3 plates, films, rolls or other like apparatus by or from
4 which such picture, or series of pictures, is shown or pro-
5 duced, or the picture, or the series of pictures, itself as
6 shown or exhibited, shall be shown to the Chief of Police,
7 who shall inspect, or cause to be inspected, such plate, film,
8 roll or apparatus, or such picture, or series of pictures.
9 and within three days after such inspection he shall either
10 grant or deny the permit. In case a permit is granted it
11 shall be in writing, and in such form as the Chief of Police
12 may prescribe, and wherever feasible, the Chief of Police
13 shall, by a suitable stamp or imprint placed therein,
14 identify, or cause to be identified, the picture, or series of
15 pictures, for which such permit is issued.

1 Section Three. If a picture, or series of pictures, for the
2 showing or exhibition of which an application for a permit



3 is made is immoral or obscene, it shall be the duty of the
4 Chief of Police to refuse such permit, otherwise it shall
5 be his duty to grant such permit.

1 Section Four. In case the Chief of Police shall refuse to
2 grant a permit, the applicant may appeal to the Mayor.
3 Such appeal shall be presented in the same manner as the
4 original application to the Chief of Police. The action of
5 the Mayor upon any application for a permit shall be final.

1 Section Five. The permit herein provided for shall be
2 obtained for each and every picture, or series of pictures,
3 exhibited, and shall be required in addition to any other
4 license or other imposition now required by law or city
5 ordinance. No fee or tax of any kind whatsoever shall be
6 charged or exacted for such permit.

1 Section Six. When a permit to show a picture, or series
2 of pictures, is once granted to an exhibitor, the picture,
3 or series of pictures, may be shown by any other exhibitor,
4 provided that the written permit is actually delivered to
5 such other exhibitor. Any number of transfers or leases
6 of the same picture, or series of pictures, may be made,
7 provided always that the permit is actually delivered to
8 the transferee or lessee. The exhibition by any transferee
9 or lessee of any permitted picture, or series of pictures,
10 without such permit, shall be considered a violation of this
11 ordinance, and each day's exhibition by a transferee or
12 lessee of each picture, or series of pictures, without such
13 permit shall be a distinct and separate offense.

1 Section Seven. The written permit herein provided for
2 shall be posted at or near the entrance to the theatre, hall,
3 room or place where any permitted picture, or series of

4 pictures, is being exhibited, at such a place and in such a
5 position that it may easily and readily be read by any
6 person entering such theatre, hall, room or place, at any
7 time when any such permitted picture, or series of pictures,
8 is being exhibited, whether in the day time or in the night
9 time, except that in the case of mutoscopes, and so-called
10 penny arcades, such permit shall be posted in such a
11 position on the box, apparatus or other device, wherein or
12 whereby a permitted picture, or series of pictures, is being
13 exhibited, so that such permit may be easily and readily
14 read by any person at any time, when any such permitted
15 picture, or series of pictures, is being exhibited, whether
16 in the day time or night time. The exhibition of any such
17 permitted picture, or series of pictures, without the posting
18 of the permit as herein provided, shall be considered a vio-
19 lation of this ordinance, and each day's exhibition of any
20 such permitted picture, or series of pictures, without the
21 posting of the permit as herein provided, shall be consid-
22 ered a distinct and separate offense.

1 Section Eight. Anyone violating the terms of this ordi-
2 nance shall be fined not less than twenty-five dollars
3 (\$25.00) nor more than five hundred dollars (\$500.00) for
4 each offense. Every day's exhibition of each picture, or
5 series of pictures, without a permit shall be a distinct and
6 separate offense.

1 Section Nine. This ordinance shall apply to all pictures,
2 or series of pictures, whether the same are now being
3 shown or exhibited, or may hereafter be shown or exhibited.

CENSORSHIP OF MOTION PICTURE FILMS

REPORT TO THE CITY COUNCIL, BY
ANDREW LINN BOSTWICK
MUNICIPAL REFERENCE LIBRARIAN

The following is a summary of proposed and existing legislation and practice in certain cities, states and countries, relating to official censorship of motion picture films, and is presented for the information of the members of the St. Louis Municipal Assembly in connection with the ordinance now proposed in this city.

New York.

Attempts have been made to establish municipal censorship, but so far they have been unsuccessful. A comprehensive motion picture ordinance was vetoed by Mayor Gaynor early in 1913, because it provided for censorship. The Mayor believed that censorship was unnecessary, illegal, and contrary to the fundamental principles of our government, although a majority of the Board of Aldermen were of a different opinion. An ordinance introduced in October, 1913 (now pending), provides as follows:

The power of censorship is given to the Bureau of Licenses, and permits must be granted by the Bureau for all films to be exhibited. No permit shall be granted until an application therefor has been made, nor until the film and the picture itself have been passed on by censors authorized by the Department of Education from its teaching or examining staff, and a letter

of approval received by the Bureau from the censors. If the picture is indecent, or portrays murder, assault, robbery, etc., the Bureau of Licenses must refuse to issue any permit, but if the picture is proper, and has been approved, the permit shall be granted, and films of certain types may also be approved for Sunday exhibition. In case of refusal to issue a permit, appeal may be had to the Mayor. No fee shall be charged for the issuing of permits. Permits are transferable, but must always be actually delivered to the transferee with the film, and be posted in the place of exhibition. Each day's exhibition of any film for which a permit is not posted constitutes a violation of the ordinance. The Bureau of Licenses is required to keep a numerical and an alphabetical record of permits issued.

Chicago.

This city has a police censorship, as shown by the following regulations:

1625. **Permit required to exhibit moving pictures.** It shall be unlawful for any person, firm or corporation to show or exhibit in a public place, or in a place where the public is admitted, anywhere in the City of Chicago, any picture or series of pictures of the classes or kinds commonly shown in mutoscopes, kinetoscopes, cinemetographs, and such pictures or series of pictures as are commonly shown or exhibited in so-called penny arcades, and in all other automatic or moving picture devices, whether an admission fee is charged or not, without first having secured a permit therefrom from the general superintendent of police of the City of Chicago.

1626. **Application for permit.** Before any such permit is granted, an application in writing shall be made therefor, and the plates, films, rolls or other like apparatus by or

from which such picture or series of pictures are shown or produced, or the picture or series of pictures itself is shown or exhibited, shall be shown to the general superintendent of police, who shall inspect, or cause to be inspected, such plates, films, rolls or apparatus, or such picture or series of pictures, and within three days after such inspection he shall either grant or deny the permit. In case a permit is granted it shall be in writing and in such form as the general superintendent of police may prescribe.

1627. **Immoral pictures—permit not to be granted.** If a picture or series of pictures for the showing or exhibition of which an application for a permit is made, is immoral or obscene, or portrays any riotous, disorderly or other unlawful scene, or has a tendency to disturb the public peace, it shall be the duty of the general superintendent of police to refuse such permit; otherwise, it shall be his duty to grant such permit.

1628. **No transfer of objectionable films—confiscation—penalty.** In case a permit shall be refused for any such moving picture plates, films, rolls or other like articles or apparatus from which a series of pictures for public exhibition can be produced, it shall be unlawful for any person, firm or corporation to lease or transfer the same to any exhibitor of moving pictures, or otherwise put same into circulation for purposes of exhibition within the city.

In every case where such objectionable moving picture plates, films, rolls or other like articles or apparatus from which a series of pictures for public exhibition can be produced shall be put into circulation contrary to the provisions of this section, the same shall be confiscated, and in addition thereto the persons, firm or corporation so leasing, transferring or putting the same into circulation shall be

fined not less than fifty dollars nor more than two hundred dollars for each offense.

Cleveland (See also **Ohio**).

In January, 1913, the various film companies co-operated with the city in a voluntary censorship scheme, by which all films were examined before exhibition. This system was very successful. The State of Ohio has just passed a censorship law, which will be considered later.

Detroit.

The Detroit law is very similar to that of Chicago.

San Francisco.

The provision for censorship in San Francisco is as follows:

Moving Picture Film Censorship. Ordinance.

San Francisco.

Ord. No. 761, New Series, as amended by Ordinance No. 826, New Series. 1909. Rev. Ord., p. 592.

Section 4. For the purpose of enforcing the provisions of this ordinance and preventing immoral pictures being displayed and acts of violence depicted in such detail as to offend public morality and decency, an advisory committee is hereby authorized, whose duty it shall be to inspect all moving pictures being displayed or exhibited, and all moving pictures intended for exhibition prior to their being displayed. It shall be the duty of said advisory committee to prosecute, or cause to be prosecuted, by proper legal proceedings, all persons, firms, associations or corporations who violate any of the provisions of this ordinance. The public exhibition of any picture thus objected to shall be deemed sufficient cause for the revocation of any permit theretofor granted by the Board of Police Commissioners. Said advisory committee shall be constituted and appointed

as follows: One member of such committee shall be appointed respectively by the Mayor, by the Board of Education, the Board of Police Commissioners, the Society for the Prevention of Cruelty to Children,⁶ and the Moving Picture Exhibitors' Association, each member to serve during the pleasure of the officer or body making the appointment.

Said advisory committee, and the members thereof, shall have the right to freely enter any place or building wherein moving pictures are displayed or entertainments given, at any or all times, for the purpose of inspecting any pictures that may be exhibited, or in the performance of any duty required to be performed by this ordinance.

(This is an extract from the ordinance showing the make-up and duties of the Censorship Board.)

Information from the Board of Censorship received in June, 1913, is to the effect that the present ordinance has several defects. It does not specify who is to pay the expenses of reviewing the films before exhibition, and this has caused a great deal of trouble. The system now in force is to have the police member devote his whole time to visiting the theatres, looking for first-run films. In this way about 50% of the films are seen. The letter received from San Francisco goes on to say:

"The percentage of revisions and condemnations has been sufficient to cause the film companies to exercise great care in the character of the product released, and a couple of fines and convictions in the Police Courts have made the exhibitors careful as to the subject matter which they present. The result has been a decided improvement in the tone of the pictures released, and conditions on the whole are greatly improved. However, there is much to be wished for; under the present system we can only hope to curb the

tendency toward bad pictures rather than absolutely control the class of pictures which are shown to the public. In other words, under the present ordinance we are simply acting as a rather effective check on the tendency toward licentious and sensational pictures."

Los Angeles.

There is an Advisory Board of five members. Apparently no attempt is now made to view all films before exhibition. In his annual message, January, 1913, the Mayor makes the following recommendations:

1. Enlarge the Board to seven members.
2. Have a salaried secretary (preferably a member of the Board).
3. Require all film exchanges to file with the Board a list of titles of pictures to be shown, and to show the film itself if so ordered.
4. Require a permit or certificate for each film.
5. Censor all posters, pictures, etc., exhibited in connection with moving picture shows.
6. Provide a license fee that will cover the Board's expenses.

Kansas City.

The new Kansas City ordinance reads as follows:

Be it ordained by the Common Council of Kansas City:

Section 1. No person, firm or corporation shall exhibit any obscene or immoral pictures in Kansas City, or rent, sell or give the same to any other persons, firm or corporation for the purpose of exhibition.

Section 2. There is hereby created the position of Censor of Films and Pictures to be exhibited, or about to be exhibited, in Kansas City, Missouri. The Mayor shall appoint such Censor. Such Censor shall receive for his

services the sum of One Hundred Dollars (\$100.00) per month, payable semi-monthly, as other city employes are paid. There is also hereby created a Board of Appeals to consist of three members to be appointed by the Mayor. Said members of the Board of Appeals shall serve without pay. One of them shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, and they shall hold until their successors are appointed and qualified. Whenever the term of any member expires, another member shall be appointed to serve a term of three years. Any person, firm or corporation aggrieved by any action taken by the Censors may take an appeal to the said Board of Appeals, which Board shall, without delay, pass upon such appeal, and the decision of said Board shall be final.

Section 3. Except as hereinafter provided, no person, firm or corporation shall exhibit, rent, sell or give to any other person, firm or corporation for exhibition, any picture or moving picture film unless the same has been approved by said Censor. Films or pictures which have been approved by any Censor or Board of Censors recognized and approved by the Board of Appeals provided for in this ordinance, may be exhibited without the approval of the Censor or Board of Appeals. But it shall be the duty of the Censor or Board of Appeals at any time when such Censor or such Board of Appeals shall find that any film or picture approved by such Censor or Board of Censors, or any other Censor or Boards of Censors, are obscene or immoral, to issue an order to the person, firm or corporation in whose possession such film or picture is at the time, forbidding the exhibition of such film or picture, and such film or picture shall not thereafter be exhibited in Kansas City unless such order is

thereafter revoked by said Censor or Board of Appeals.

Section 4. It shall be the duty of the Censor upon the request of any person, firm or corporation desiring to exhibit any film or picture, or to rent, sell, or give the same to any other person, firm or corporation for exhibiting, to proceed twenty-four (24) hours after the receipt of such request to examine such film or picture, and if such film or picture is not obscene or immoral, it shall be the duty of the Censor to certify his approval thereof and deliver such certificate to the person requesting the same.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not less than one dollar (\$1.00) or more than five hundred dollars (\$500.00) for each offense, and each exhibition of any picture forbidden by this ordinance to be exhibited shall constitute a separate offense.

Section 6. If any person, firm or corporation engaged in the business of exhibiting pictures or films shall be convicted of a violation of any of the provisions of this ordinance, then in addition to the penalty prescribed by this ordinance the license of such person, firm or corporation to engage in such business may be revoked by said Board of Appeals upon reasonable notice and after a hearing, and no license shall thereafter be issued to such person, firm or corporation until such order or revocation is revoked, however, until a hearing shall have been had before the Board of Appeals in the matter of the revocation of such license. At least five days' notice shall be given of such hearing. Such notice shall be in writing and served on the holder of such license by delivery of such notice to such holder, or by mailing a copy thereof to the place of business of such holder.

Berkeley, Cal.

The Berkeley ordinance is very much like that in force in San Francisco, except that it does not go as far. The Advisory Committee consists of the Police Chief, the Truant officer, and a third person appointed by the Council. This committee has the right of free entry to theatres, but apparently no censoring is done before the films are shown to the public.

Ohio.

The new Ohio law, approved May 3, 1913, is as follows:

(House Bill No. 322.)

AN ACT.

Providing a board to censor motion picture films
and prescribing the duties and power of the
same.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. There is created, under the authority and supervision of the industrial commission of Ohio, a board of censors of motion picture films. Upon the taking effect of this act, the industrial commission shall appoint, with the approval of the governor, three persons, one for one year, one for two years, and one for three years, who shall constitute such board. Upon the expiration of the term of each member so appointed a successor shall be appointed in like manner for a term of three years.

Section 2. The industrial commission shall furnish the board of censors with suitable office rooms, and with sufficient equipment to properly carry out the provisions of this act. The board of censors may organize by electing one of its members as president. The secretary of the industrial commission shall act as secretary of the board. Each member of the board of censors shall receive an annual salary of one thousand five hundred dollars per year. Such

salary and expenses shall in no case exceed the fees paid to the Ohio board of censors for examination and approval of motion picture films.

The members of the board shall be considered as employees of the industrial commission, and shall be paid as other employees of such commission are paid. The industrial commission shall appoint such other assistants as may be necessary to carry on the work of the board.

Section 3. It shall be the duty of the board of censors to examine and censor as herein provided, all motion picture films to be publicly exhibited and displayed in the state of Ohio. Such films shall be submitted to the board before they shall be delivered to the exhibitor for exhibition. The board shall charge a fee of one (\$1.00) dollar for each reel of film to be censored which does not exceed one thousand (1000) lineal feet; for any reel of film exceeding one thousand (1000) lineal feet, the sum of two (\$2.00) dollars shall be charged. All moneys so received shall be paid each week into the state treasury to the credit of the general revenue fund.

Section 4. Only such films as are in the judgment and discretion of the board of censors of a moral, educational or amusing and harmless character shall be passed and approved by such board. They shall be stamped or designated in an appropriate manner and consecutively numbered. Before any motion picture film shall be publicly exhibited, there shall be projected upon the screen the words, "Approved by the Ohio Board of Censors," and the number of the film.

Section 5. The board of censors may work in conjunction with any censor board or boards of legal status of other states as a censor congress, and the action of such congress

in approving or rejecting films shall be considered as the action of the board, and all films passed, approved, stamped and numbered by such congress, when the fees therefor have been paid to the Ohio board, shall be considered approved by such board.

Section 6. Ninety days after this act shall take effect no films may be publicly shown or exhibited within the state of Ohio unless they have been passed and approved by the board or the censor congress, and stamped and numbered by such board, or congress, as provided for herein.

Section 7. Any person, firm or corporation who shall publicly exhibit or show any motion picture within the state of Ohio unless it shall have been passed, approved and stamped by the Ohio board of censors, or the congress of censors, shall, upon conviction thereof, be fined not less than twenty-five (\$25.00) dollars nor more than three hundred (\$300.00) dollars, or imprisoned not less than thirty days nor more than one year, or both, for each offense.

Section 8. Any persons in interest being dissatisfied with any order of such board, shall have the same rights and remedies as to filing a petition for hearing on the reasonableness and lawfulness of any order of such board, or to set aside, vacate or amend any order of such board as is provided in the case of persons dissatisfied with the orders of the Industrial Commission.

Quebec (Province), Canada.

Regarding the system in the province of Quebec, the Canadian press says:

"No murders, no attacks on any religious body, no burglaries, no highway robberies, in fact, no presentation wherein vice or violence in any form figures—such is the rule which will be followed by the newly created Quebec

(Canada) Board of Moving Picture Film Censors. Commodious quarters in the downtown section have been fitted up, and promise to be the most up-to-date of any of the boards of provincial censors throughout Canada.

The censors will deal only with the 16 film exchanges located in the city, it being incumbent upon the show proprietors to see that each film is approved before being rented from the exchanges. The penalty attached to the exhibition of an unapproved film will be a fine varying from \$50 to \$200, along with the cancellation of the moving-picture show proprietor's license. The censor board will be engaged in active work within a few days, so that by April 15 or 20 the film exchanges throughout the city will be supplied with censored films. Each film passed will be stamped, while a certificate in film form will be attached to each reel. This will be thrown upon the screen in every house where this film is exhibited, and the provincial revenue police will be requisitioned to see that no films are shown without being first approved by the censors.

The censors' examining bureau will comprise a fully equipped theatre on a small scale, with the most up-to-date film apparatus obtainable. The powers of the censors will permit them to reject any film, or to expurgate any portions which they consider objectionable."

Breslau, Germany.

Here films are subject to police censorship. They are run on a machine at police headquarters, and if necessary are cut out in part or entirely. The supervision includes the printed programs and everything connected with the show. Censorship has strengthened the good theatres and weeded out the bad.

Germany (Kingdom of Bavaria).

The Kingdom of Bavaria has a board of censorship, the

power being vested in the Royal Police Commission of the City of Munich. All films exhibited anywhere in Bavaria must be approved by the board. The films are actually exhibited before approval, and when the board passes them, cards are issued which must be presented to the local authorities, who then give permits for exhibition.

The City of Nuremburg has adopted lengthy rules in conformity with the above. These rules provide that, even if the film has been approved by the Royal Police Commission at Munich, the local authorities may prohibit its exhibition, if it seems unsuitable. A list of all pictures to be shown has to be submitted to the authorities for examination. This shows how strict the censorship provisions are in Germany.

